

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

AMERITITLE, INC.,

Plaintiff,

v.

GILLIAM COUNTY, et al.,

Defendants.

MOSMAN, J.,

No. 2:09-cv-00318-SU

OPINION AND ORDER

On April 26, 2011, Magistrate Judge Sullivan issued her Findings and Recommendation (“F&R”) [115] in the above-captioned case recommending: (1) that plaintiff’s Amended Motion for Partial Summary Judgment [71] be denied; and (2) that defendant’s Amended Motion for Summary Judgment [83] be granted in part and denied in part. Plaintiff filed objections [121] and defendants responded [123]. Defendants also filed objections [122] and plaintiff responded [124]. I adopt the F&R as my own opinion.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court

is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I find no merit to any of the objections to the Magistrate Judge's F&R. Therefore, I agree with Judge Sullivan's recommendation, and I ADOPT the F&R [115] as my own opinion.

IT IS SO ORDERED.

DATED this 7th day of October, 2011.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court